

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

Office: BLM Wyoming High Plains District Office

Coal Lease: WYW-177903 (West Antelope II South)

Proposed Action Type: Coal Lease Modification

Location of Proposed Action: T. 40 N., R. 71 W., 6th P.M., Converse County, WY

Applicant: Antelope Coal, LLC

A. Description of the Proposed Action

The proposed action is to modify an existing federal coal lease at the Antelope Mine. The mine is operated by Antelope Coal, LLC, a subsidiary of Cloud Peak Energy, and is located in Converse County, Wyoming, approximately 20 miles southeast of the town of Wright. On November 29, 2012, Antelope Coal, LLC, filed an application with the BLM to modify their existing federal coal lease WYW-177903 by adding the following federal coal lands:

T. 40 N., R. 71 W., 6th P.M., Wyoming

Section 7: Lots 5, 11, 12, and 18

Section 8: Lots 4, 5, 12, and 13

Section 17: Lots 1 through 12

Section 18: Lots 5 and 12(E1/2)

Containing 856.61 acres, more or less

The proposed modification tract contains approximately 15,751,000 tons of mineable coal and would be mined as an extension of the adjacent Antelope Mine. The modification would add approximately six months of coal reserves to the mine and is located within Antelope Mine's approved mining permit area, as authorized by the Wyoming Department of Environmental Quality (WDEQ). The applicant is the private surface owner on all the lands contained within the proposed tract. Reclamation would be completed according to the applicant's WDEQ mine permit.

BLM recommends that this coal lease modification be approved in order to achieve Maximum Economic Recovery (MER) of the coal resource and to prevent bypass of federal coal reserves.

B. Land Use Plan (LUP) Conformance:

Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement for the U.S. Department of the Interior BLM Casper Field Office Planning Area (June 2007) and the Approved Casper RMP/Record of Decision (December 2007), as amended by the Wyoming Greater Sage-Grouse Proposed Land Use Plan Amendment Final Environmental Impact Statement (May 2015) and the Approved RMP Amendment for Greater Sage-Grouse Record of Decision (September 2015):

Casper RMP/ROD Decision #2004:

“The Casper Field Office is open to mineral leasing, including solid leasables and geothermal, unless specifically identified as administratively unavailable for the life of the plan for mineral leasing . . .”

Casper RMP/ROD Decision #2013:

“All BLM-administered lands within the Coal Development Potential Area . . . are acceptable for further consideration for coal leasing . . .”

The proposed lease modification tract is located within the Coal Development Potential Area, as identified in the RMP. As discussed in the 2008 West Antelope II Final Environmental Impact Statement and the 2014 West Antelope II South Lease Modification Environmental Assessment (identified in the next section below), none of the lands located in the modification tract were found unsuitable for leasing under the criteria of 43 Code of Federal Regulations (CFR) Subpart 3461. Therefore, the tract is available for further lease consideration.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

The proposed action is authorized under the Mineral Leasing Act of 1920, as amended, and is in conformance with 43 CFR 3432.

Record of Decision and Buffalo Field Office Approved Resource Management Plan. U.S. Dept. of the Interior BLM. September, 2015.

Decision Record (WY-060-EA13-147). West Antelope II South Lease Modification. U.S. Dept. of the Interior BLM High Plains District Office. August, 2014.

Environmental Assessment (WY-060-EA13-147). West Antelope II South Lease Modification. U.S. Dept. of the Interior BLM High Plains District Office. March, 2014.

Finding of No Significant Impact (WY-060-EA13-147). West Antelope II South Lease Modification. U.S. Dept. of the Interior BLM High Plains District Office. March, 2014.

Record of Decision. Environmental Impact Statement for the West Antelope II Coal Lease Application (WYW-163340). U.S. Dept. of the Interior BLM Wyoming State Office-High Plains District Office. March, 2010.

Final Environmental Impact Statement for the West Antelope II Coal Lease Application (WYW-163340), Volumes 1 & 2. U.S. Dept. of the Interior BLM Wyoming State Office-Casper Field Office. December, 2008.

Approved Resource Management Plan for the Public Lands Administered by the Bureau of Land Management Buffalo Field Office. U.S. Dept. of the Interior BLM. April, 2001.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)?

Yes, the coal lease modification is the same as the proposed action that was analyzed in the 2014 West Antelope II South Lease Modification Environmental Assessment (WY-060-EA13-147). Additionally, detailed discussions of resources associated with the area to be modified were included in the NEPA analyses conducted for the West Antelope II Environmental Impact Statement.

The modification area would be mined and reclaimed as an integral part of the existing Antelope Mine operation, as permitted by WDEQ.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes, the range of alternatives described in Chapter 2 of Environmental Assessment WY-060-EA13-147 is appropriate.

3. Is the existing analysis valid in light of any new information or circumstances? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

This DNA was prepared in response to the February 7, 2017 Interior Board of Land Appeals decision which set aside and remanded BLM's August 15, 2014 Decision Record for this coal lease modification. IBLA remanded the decision based on its interpretation of BLM's internal delegations of authority, where the Board decided that the BLM High Plains District Manager was not authorized to sign the decision record for this action. In response to IBLA, BLM has prepared a new decision record that will be signed by the

Wyoming BLM Deputy State Director for Minerals and Lands. The previous analyses from the 2014 West Antelope II coal lease mod EA and the 2008 West Antelope II EIS remain valid.

The EIS and EA analyzed several alternatives, including the no action alternative where coal tracts would not be offered for sale and no coal leases would be issued or modified. The no action alternative analysis recognized that GHG emissions would not appreciably decline because other domestic coal resources were readily available to supply the market's demand. Recent data shows that coal production and consumption, and associated GHG emissions have been declining in large part due to inexpensive supplies of natural gas. Given the relatively small amount of coal associated with this lease modification, the no action alternative would not likely result in additional declines of GHG emissions apart from those already occurring due to low cost supplies of natural gas.

As new energy extraction technologies continue to advance, other energy resources may potentially be developed in or near the coal lease modification area at some unknown point in the future. The modification tract falls within the analysis area for the recently proposed Greater Crossbow Project which is in the preliminary stages of NEPA analysis. The Greater Crossbow EIS is being prepared by the BLM Buffalo Field Office and will analyze and address any issues associated with coal mining located within the EIS Project Area.

As previously described in the West Antelope II EIS and ROD, BLM has a policy in place regarding development conflicts between federal coal and federal oil and gas leases (BLM Washington Office Instruction Memorandum No. 2006-153). As stated in the policy, BLM encourages the optimized recovery of both coal and oil/gas in an endeavor to secure the maximum return to the public in revenue and energy production, and to honor the rights of each lessee.

4. Are the direct, indirect, and cumulative effects that would result from the implementation of the new proposed action similar to those analyzed in the existing NEPA document(s)?

Yes, the effects are thoroughly addressed and disclosed in the NEPA documents referenced above.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, both the West Antelope II EIS and the West Antelope II South Lease Modification EA provided public involvement and interagency review opportunities.


E. BLM Staff Consulted in Determination of NEPA Adequacy**

<u>Name</u>	<u>Title</u>
Tim Wilson	Branch Chief, Solid Minerals
Brenda Neuman	past Branch Chief, Solid Minerals (retired)
Sarah Bucklin	Environmental Specialist
Randy Sorenson	Energy Resources Advisor
George Soehn	Biological Resources Advisor
Mike Robinson	Planning and Environmental Coordinator
Tom Bills	Planning and Environmental Coordinator
Shane Gray	Wildlife Biologist


***Please refer to the West Antelope II EIS and the coal lease modification EA for the complete list of team members that contributed to the preparation of the NEPA documents and environmental analyses.*

Conclusion


Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the National Environmental Policy Act.



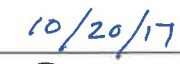
Project Coordinator
Wyoming High Plains District Office



Date



Assistant District Manager, Solid Minerals
Wyoming High Plains District Office



Date